

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLAN CRAIG)	
)	
_____)	CASE NO.
)	2021-00036
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Allan Craig (Mr. Craig) has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).¹

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Act, the Commission has authority to investigate and assess civil penalties for any violation of the Act that results in excavation damage to an underground facility used to transport natural gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. § 60101, *et seq.* Any person who violates any provision of the Act is subject to assessment of a civil penalty in the amount of \$250 for the first offense, no more than \$1,000 for the second offense within one year, and no more than \$3,000 for the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive,

¹ KRS 367.4901 through KRS 367.4917.

or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt of a report of excavation damage to its underground gas pipeline from an operator, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as an Appendix. In its Incident Report, Staff cites Mr. Craig for violation of the following provision of the Act:

KRS 367.4911(1)(a) – Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Mr. Craig violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

IT IS THEREFORE ORDERED that:

1. Mr. Craig shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

2. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

3. The Staff Incident Report 31661 in the Appendix to this Order is made a part of the record in this case.

4. **Please note that notice of a hearing to be held in this matter will be mailed to Mr. Craig once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.**

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By the Commission

ENTERED
FEB 08 2021 rCS
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2021-00036

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00036 DATED FEB 08 2021

EIGHT PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Eric V. Tout	Incident ID 31661
Incident Date 6/11/2019 10:30:00 AM	Report Submitted 6/11/2019 3:07:10 PM

OPERATOR INFORMATION

Operator Atmos Energy Corporation Phone (270) 779-4849 Incident Location 560 W Martin Rd, Campbellsville 560 W Martin Rd Campbellsville, KY 42718 Taylor	Reported By Anthony Stallins Email anthony.stallins@atmosenergy. Locate Ticket Number N/A
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EXCAVATOR INFORMATION

Name of Excavator Craig, Allan Phone 859-551-9316 Excavator Address Allan Craig 48 Lakeway Ave Campbellsville, KY 42718	Organization ID Email N/A Locate Ticket Number
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INCIDENT

The Operator reports that the Excavator damaged a 3/4" service line with a backhoe while installing gutter drains and failed to contact the Protection Notification Center (811).

The Damage Report is include as Attachment 1.

Excavation Summary			
Excavation Within 18" (Approximate Location)	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
No locate ticket	Mechanized / Backhoe	\$307.00	\$307.00

INVESTIGATION

On January 22, 24 & 27, 2019 an attempt to contact the Excavator, Allen Craig (859-551-9316) resulted in no answer with no voice mail.

On January 28, 29 & 30, 2019 an attempt to contact Mr. Craig at 859-551-9316 resulted in a message stating that the number dialed has calling restrictions preventing the completion of your call.

On 02/03/20 an attempt to contact the Mr. Craig (859-551-9316) resulted in no answer with no voice mail.

According to the Taylor Co. PVA web site the listed owner of the property where this incident occurred is Ben Lewis & Laura Jo Drake and Facebook lists Mr. Craig as a heavy equipment operator with Strike Pipeline.

PVA & Facebook are include as Attachment 2.

Accurint provided no current telephone numbers for Mr. Craig and the following telephone numbers were obtain for the Drakes, Mr. Drake 502-649-4805, 502-680-2867, Ms. Drake 812-498-1833.

On 02/03/20 contact was made with Mr. Drake (502-649-4805). Mr. Drake stated that Mr. Craig is a family member, Mr. Craig excavates for a living and Mr. Craig was finishing up gutter work at Mr. Drake's residence to make extra money. Mr. Drake stated that he was not at home when the damage occurred. Mr. Drake stated that Mr. Craig was previously employed with Strike Pipeline, Mr. Drake could not say who Mr. Craig's current employer is, but thought the company was out of Virginia. Mr. Drake provide Mr. Craig's telephone number 270-465-1834.

On 02/03/19 Mr. Craig stated that no 811 ticket was obtained, he was doing the work for his cousin and he hit the line with the backhoe bucket. Mr. Craig was receptive to attending the Damage Prevention Course and paying the

\$250.00 penalty. Mr. Craig requested that the Demand letter be emailed to allancraig5.9l@gmail.com.

VIOLATION

KRS 367.4911 (1) (a) - Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

<u># of Previous Offences</u>		
Excavator	Date of Last Offence (Incident Date)	Previous Case #
1 st	N/A	N/A

Attachment 1

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 7/2/2019 Incident ID: 31661

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=31661\)](#)

Reported By:

Name: Anthony Stallins
Phone: (270) 779-4849
Email: anthony.stallins@atmosenergy.com

Gas Line Incident Occured:

Date: 6/11/2019
Time: 10:30 AM

Details:

Reported Date: 6/11/2019 3:07 PM

Incident Location Address:

Location: 560 W Martin Rd, Campbellsville
Address: 560 W Martin Rd
City: Campbellsville
State: KY
County: Taylor
Zip: 42718
Confirm Code: Y
Number of Customers out: 1
Locate Request Ticket No.: N/A
Excavator: Contractor

Excavator Address:

First Name: Allan
Last Name: Craig
Organization ID:
Company: Allan Craig
Phone: 859-551-9316
Email: N/A
Address: 48 Lakeway Ave
City: Campbellsville
State: KY
Zip: 42718

Confirm Code: Y

Excavation Damage: No notification made to the One
Call Center

Description of Incident Cut 3/4" PE service. No locate. One off. No injuries.

Summary Information

7/2/2019

Full details such as the cause	Allen Craig, excavator installing gutter drains at 560 W Martin Rd, cut a 3/4" service line with his backhoe. Mr. Craig did not have a locate ticket.
Extent of the damage	Damaged service was repaired and service restored to the one affected customer.
Cost of the damage	\$307.00
Steps taken to prevent re-occurrence	Will invite Mr. Craig to the next Atmos Energy Damage Prevention/KY 811 Dig Law Training Session in Campbellsville.
Amount billed to excavator	\$307.00

Attachment 2



Parcel Summary

Map Number 53-039-03
Account Number 182758 (PID: 346628 PTID: 182758)
Location Address 560 WEST MARTIN RD
Tax District 01 County and County School
Homestead No
2019 Tax Rate 1.05346
Property Class FARM
Description HOUSE & 30.29 ACRE TRACT
Acres 30.29
Deed Information 318/626

[View Map](#)



Owner Information

Current Owner
DRAKE BEN LEWIS & LAURA JO
560 W MARTIN RD
CAMPBELLSVILLE, KY 42718

No data available for the following modules: Commercial Improvement Information, Mobile Home Information, Sketches.

The Taylor County Property Valuation Administrator's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 1/29/2020 9:13:15 PM

Developed by



Version 2.3.37



Allan Craig

Timeline ▾

Recent ▾

Intro

 Heavy equipment operator at [Strike Pipeline](#)

 Worked at [Heavy equipment](#)

 Studied at [Taylor county high school](#)

 Went to [Taylor County High School](#)

 From [Campbellsville, Kentucky](#)

 Single

Photos



Friends · 1,012

ck
m
ny



Rebecca Holden

Laura Jo Drake

Eddie Craig

Allan Craig
48 Lakeway Ave
Campbellsville, KENTUCKY 42718